



The appellant, Benjamin Moss, appeals as of right from the dismissal of his suit for post-conviction relief. He contends counsel terminated his right to file an application in the Supreme Court pursuant to Rule 11, Tennessee Rules of Appellate Procedure. The State of Tennessee confesses error. The state says in its brief: "Appellant is entitled to have the judgment entered on November 2, 1994, vacated and immediately reinstated in order to allow him to file with the Tennessee Supreme Court an application for permission to appeal." The record supports the state's position.

The judgment of this Court entered on November 2, 1994 by this Court is vacated, and the judgment is immediately reinstated. Thus, the appellant will have sixty (60) days from the date this opinion is filed with the Clerk of this Court to file an application for permission to appeal pursuant to Rule 11, Tennessee Rules of Appellate Procedure, with the Supreme Court.

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JOE B. JONES, PRESIDING JUDGE

CONCUR:

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PAUL G. SUMMERS, JUDGE

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DAVID G. HAYES, JUDGE